

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KRASNER LOAN COMPANY, INC.,
d/b/a AMERICAN LOAN COMPANY,

Plaintiff,

v.

Case No. 2:24-cv-02177-MSN-cgc
JURY DEMAND

EMIL S. FERRARIS, BRENT E. WEIRICH,
CITY OF BARTLETT, TENNESSEE, and
MATT ROBINSON,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Magistrate Judge's Report and Recommendation (ECF No. 102, "Report"), entered July 3, 2025. The Report recommends that Defendant Emil S. Ferraris' Second Motion to Dismiss (ECF No. 59) be granted pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Specifically, the Magistrate Judge recommends that the Court decline to exercise supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's remaining state-law claims against Ferraris.

Plaintiff has not filed any objections to the Report, nor has any party filed a stipulation of dismissal signed by all parties who have appeared. Although Plaintiff filed a notice of dismissal as to Ferraris (ECF No. 101) on June 6, 2025, Rule 41(a)(1)(A) does not permit dismissal by notice once a defendant has filed an answer unless all parties who have appeared sign a stipulation of dismissal.

STANDARD OF REVIEW

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869–70 (1989)); *see also Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. §636(b)(1). After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge’s proposed findings or recommendations. 28 U.S.C. § 636(b)(1). The district court is not required to review—under a *de novo* or any other standard—those aspects of the report and recommendation to which no objection is made. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the magistrate judge’s findings and rulings to which no specific objection is filed. *See id.* at 151.

DISCUSSION AND CONCLUSION

Having reviewed the Report for clear error and finding none, the Court agrees with the Magistrate Judge’s well-reasoned conclusion that Plaintiff’s claims against Ferraris do not share a common nucleus of operative fact with the federal claims and that exercising supplemental jurisdiction would not serve judicial economy.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation (ECF No. 102) in its entirety. Defendant Ferraris’ Second Motion to Dismiss (ECF No. 59) is **GRANTED**, and Plaintiff’s claims against Defendant Ferraris are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

IT IS SO ORDERED, this 31st day of July, 2025.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE